

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Christie Materni,)	
)	
)	
Plaintiff,)	Case No. 3:14-cv-2530
)	
vs.)	Judge Jeffrey L. Helmick
)	
CCL Label, Inc.,)	Jury Trial Demanded
)	
Defendant.)	

CCL Label Inc.'s Answer to Christie Materni's Complaint

For its answer to the complaint of plaintiff Christie Materni ("Materni"), defendant CCL Label, Inc. ("CCL Label") responds as follows:

As to "Parties"

1. CCL Label admits the allegations in paragraph 1 of the complaint.
2. CCL Label admits the allegations in paragraph 2 of the complaint.
3. CCL Label admits the allegations in paragraph 3 of the complaint.
4. CCL Label admits the allegations in paragraph 4 of the complaint.

As to "Jurisdiction and Venue"

5. To the extent paragraph 5 of the complaint states a legal conclusion, no response is required. Insofar as paragraph 5 construes the complaint, the document speaks for itself. Otherwise, CCL Label denies that it has infringed Materni's copyright, and denies all other allegations in paragraph 5 of the complaint because it lacks knowledge or information sufficient to form a belief as to the truth of those allegations.

6. To the extent paragraph 6 of the complaint states a legal conclusion, no response is required. Otherwise, CCL Label denies that jurisdiction and venue are proper and denies all other allegations in paragraph 6 of the complaint because it lacks knowledge or information sufficient to form a belief as to the truth of those allegations.

As to “Background Facts”

7. Answering paragraphs 7 and 8 of the complaint, CCL Label admits that the attachment labeled Exhibit 1 purports to be a U.S. Copyright office registration for Materni. CCL Label otherwise denies the allegations contained therein.

8. CCL Label denies the allegations in paragraphs 9-16 because it lacks sufficient information or belief to form a belief as to the truth of those allegations.

As to “Count One”

9. Answering paragraph 17 of the complaint, CCL Label realleges and reavers all the admissions, averments and denials contained in response to the paragraphs 1-16 of the complaint as if fully rewritten herein.

10. CCL Label denies the allegations in paragraphs 18-20 because it lacks sufficient information or belief to form a belief as to the truth of those allegations.

11. CCL Label denies the allegations in paragraph 21 of the complaint.

12. CCL Label denies the allegations in paragraph 22 of the complaint.

13. CCL Label denies the allegations in paragraph 23 of the complaint.

14. CCL Label denies the allegations in paragraph 24 of the complaint.

15. CCL Label denies the allegations in paragraph 25 of the complaint.

As to “Count Two”

16. Answering paragraph 26 of the complaint, CCL Label realleges and reavers all the admissions, averments and denials contained in response to the paragraphs 1-25 of the complaint as if fully rewritten herein.

17. CCL Label denies the allegations in paragraph 27 of the complaint.

18. CCL Label denies the allegations in paragraph 28 of the complaint.

19. CCL Label denies the allegations in paragraph 29 of the complaint.

20. CCL Label denies the allegations in paragraph 30 of the complaint.

21. CCL Label denies the allegations in paragraph 31 of the complaint.

22. CCL Label denies the allegations in paragraph 32 of the complaint.

As to “Count Three”

23. Answering paragraph 33 of the complaint, CCL Label realleges and reavers all the admissions, averments and denials contained in response to the paragraphs 1 through 32 of the complaint as if fully rewritten herein.

24. CCL Label denies the allegations in paragraph 34 of the complaint.

As to “Prayer for Relief”

25. CCL Label denies that Materni is entitled to the judgment that she demands.

CCL Label’s Affirmative Defenses

26. Materni fails to state a claim upon which relief can be granted.

27. The Court lacks subject matter jurisdiction over this action.

28. The Court lacks personal jurisdiction over CCL Label.

29. This forum is improper, inconvenient, or both.

30. Materni fails to provide sufficient process and sufficient service of process.
31. Materni's claims are barred, in whole or in part, by laches, estoppel, delay, waiver, consent or acquiescence.
32. Materni's claims are barred, in whole or in part, by the doctrine of unclean hands.
33. Materni's damages, if any, were caused or contributed to by its own action or inaction or by the action or inaction of third-person over whom CCL Label has no ownership or control.
34. Materni's claims are barred, in whole or in part, by its failure to mitigate its damages, if any.
35. Materni's claims are barred, in whole or in part, because the conduct of which Materni complains is permitted by express license, implied license, or both.
36. Materni's claims are barred, in whole or in part, by the fair use doctrine.
37. Materni's claims are barred, in whole or in part, by the doctrine of misuse of copyright.
38. Materni's claims are barred, in whole or in part, to the extent she has forfeited or abandoned her alleged copyright.
39. Materni's claims are barred, in whole or in part, because CCL Label's conduct is privileged and justified as CCL Label acted in fair competition with Materni.
40. Materni's claims are barred, in whole or in part, by the applicable statutes of limitation, statutes or repose, or both.

41. Materni's related claims are barred, in whole or in part, because her copyright is invalid or otherwise unenforceable.

42. Materni's claims are barred, in whole or in part, because Materni cannot establish that CCL Label is incapable of substantial non-infringing use.

43. Materni's alleged copyrightable works are not copyrightable due to the idea/expression dichotomy.

44. Materni's copyright infringement and related claims are barred by the doctrine of copyright exhaustion.

45. Materni's copyright infringement and related claims are barred by its failure to properly register her copyright or timely register her works.

46. Materni lacks standing to assert copyright infringement and the related claims against CCL Label.

47. CCL Label reserves the right to assert additional affirmative defenses that subsequently may become known to it through discovery or otherwise.

Jury Demand

CCL Label hereby demands a jury trial for all issues so triable.

Dated: January 7, 2015

Respectfully submitted,

/s/ David B. Cupar

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Counsel for Defendant

Certificate of Service

I hereby certify that, on January 7, 2015, a copy of the foregoing was filed electronically with the Clerk of this Court using the CM/ECF system, which will electronically mail notice to the following:

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